

302 KAR 1:010. Referendum.

RELATES TO: KRS 247.510-247.595

STATUTORY AUTHORITY: KRS 247.510-247.595, 247.555

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.555 authorizes the commissioner to establish and determine the rules and administrative regulations to conduct a referendum among producers of soybeans for the purpose of promoting and stimulating by research, market development and education, the increased production, use and sale, domestic and foreign, of soybeans and soybean products.

Section 1. Definitions. As used in these rules and administrative regulations, unless the context otherwise requires:

- (1) "Commissioner" means the Commissioner of Agriculture;
- (2) "Board" means the State Board of Agriculture;
- (3) "Producer" means every person who produces soybeans and thereafter causes the same to be marketed;
- (4) "New producer" means a producer who was not engaged in the business of producing soybeans at the time a referendum was conducted in accordance with the provisions in these rules and administrative regulations;
- (5) "Person" means any individual, corporation, partnership, association, cooperative, or other business entity;
- (6) "Marketing year" means from July 1 to June 30 of the following year;
- (7) "Referendum agent" means an employee of the State Department of Agriculture under the direct control of the Commissioner of Agriculture;
- (8) "County referendum agent" an appointed person by the Commissioner of Agriculture, in a county where the soybean referendum is held, as his agent for the conduct of said referendum;
- (9) "Kentucky Soybean Association" means an existing association, representative of the soybean producers of Kentucky;
- (10) "Crop reporting districts" means those district as used and referred to by the Kentucky Crop and Livestock Reporting Service.

Section 2. Counties in which Referendum will be Conducted. The soybean referendum will be conducted in the following crop reporting districts with the counties involved listed for each district:

- (1) District 1 - Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, McCracken, Marshall and Trigg;
- (2) District 2 - Caldwell, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union and Webster;
- (3) District 3 - Adair, Allen, Barren, Breckinridge, Bullitt, Butler, Casey, Clinton, Cumberland, Edmonson, Grayson, Green, Hardin, Hart, Jefferson, Larue, Marion, Meade, Metcalfe, Monroe, Nelson, Russell, Taylor and Warren;
- (4) District 4 - Boone, Bracken, Campbell, Carroll, Gallatin, Henry, Oldham, Owen and Trimble;
- (5) District 5 - Bath, Bourbon, Fayette, Fleming, Franklin, Madison, Mason, Mercer, Scott, Shelby, Spencer, Washington and Woodford;
- (6) District 6 - Estill, Greenup, Lewis, Pulaski and Wayne.

Section 3. Who may Vote. Each person engaged in the production of soybeans on a commercial basis, including the owners of farms on which soybeans are produced, tenants and

sharecroppers sharing in the proceeds of the sale of soybeans shall be entitled to cast one (1) vote in the referendum. Without limiting the previous sentence, each person whose name regularly appears on checks issued in payment for the sale of soybeans is eligible to cast one (1) vote in the referendum regardless of the ownership of the farm upon which soybeans were produced. No person who certifies to the county referendum agent that he is a producer of soybeans shall be refused a ballot but such person shall be required to furnish the county referendum agent with information specific enough for the commissioner to verify the person's voting eligibility before such ballot is counted in the referendum.

Section 4. Voting Place. The commissioner shall establish a voting place in each county within the state where producers of soybeans reside. Such voting place will be in the cooperative extension service offices in each county where the referendum is conducted. The voting place must provide an area where each voter can mark his ballot in privacy. Only one (1) voter shall be permitted in the voting area at any one time. One (1) or more county referendum agents shall be permitted in each voting place for the purpose of conducting the referendum. The county referendum agent shall be in charge of and be responsible for the voting area. Campaigning for or against said referendum will not be permitted in the cooperative extension service offices during voting hours.

Section 5. Hours for Voting. The voting places will be open from 8 a.m. to 5 p.m. local time and eligible voters will be permitted to vote only during such period of time. Voters will be permitted to vote only in the county of their residence or in the case of a corporate producer in the county where its principal place of business is located.

Section 6. Referendum Voting Date. The soybean referendum voting date will be January 22, 1975. This date will be published by the commissioner through the medium of the public press in the Commonwealth of Kentucky at least thirty (30) days before the holding of such referendum, and direct written notice thereof shall likewise be given to each County Cooperative Extension or Area Agent in any county covered by such referendum.

Section 7. Supervision of Referendum and Duties of the County Referendum Agent. The commissioner shall provide the county referendum agent with a copy of these rules and administrative regulations to conduct said referendum. Each county referendum agent shall have in his possession and under his control a ballot box and the approved ballot forms, indelible marking pens, and other supplies sufficient to operate each voting place as established in Section 4 of this administrative regulation. Each prospective voter must identify himself to the county referendum agent; and such person will be required to sign a registration book giving his name, complete mailing address, and telephone number. The registration book shall be maintained by the county referendum agent. Upon signing the register, each prospective voter will receive an approved ballot form from the county referendum agent. The official ballot after it has been completed by each eligible voter, shall be placed in the ballot box by said voter. An eligible voter which is other than an individual may cast his vote by a person who is duly authorized to cast such vote, and the ballot shall show the official title of the person casting such vote.

Section 8. Approved Ballot Forms. The commissioner shall furnish each county referendum agent with the approved ballots which shall contain a certification by each person casting a vote that such person is a producer of soybeans or shares in the proceeds of the sale of soybeans. Also, the approved ballot shall show that the soybean producer is voting on whether or not to

have one-half (1/2) cent per bushel, deducted by the producer at the time of sale, to be sent to the Kentucky Soybean Association to be used as described under Necessity and Function of this administrative regulation.

Section 9. Custody of Ballot Box and Referendum Material. Each county referendum agent shall provide a ballot box large enough to enclose all ballots cast in the referendum and to protect the ballots to insure that the information on the ballots is held in confidence. The county referendum agent shall seal each ballot box immediately after the closing of the polls and shall be responsible for holding the ballot box, register of voters, and the unused ballots at their place of residence for a period not to exceed three (3) days after the referendum during which period of time an employee of the Kentucky Department of Agriculture will pick up the ballot box, register of voters, and all unused ballots from the county referendum agents. The county referendum agent will be permitted to release such material to an employee of the Department of Agriculture after satisfactory proof is established by the county referendum agent that the person is a bona fide employee of the Department of Agriculture.

Section 10. Confidential Information. All ballots cast, the identity of any person who voted, or the manner in which any person voted, and all information furnished to, compiled by, or in the possession of the commissioner, the referendum agent, and the county referendum agents shall be regarded as confidential. The commissioner shall retain the records, the ballots, the result of the referendum, and all other information furnished to or compiled by the commissioner in regard to the referendum for a period of twelve (12) months.

Section 11. Counting of Votes. Within five (5) days after the referendum, the commissioner shall designate an area within the Department of Agriculture's offices to be used for counting the votes cast in the referendum. The vote count shall be conducted by employees of the Department of Agriculture, but the Kentucky Soybean Association and any organization actively engaged in the production of soybeans in Kentucky may each have one (1) representative present during the counting of the votes. Such organization must establish, to the satisfaction of the commissioner, that its desire to observe the counting of the ballots is for a legitimate purpose.

Section 12. Announcement of the Referendum Results. Announcement of the results of the referendum will be made only by the commissioner. The referendum agent or others who assist in the referendum shall not disclose any information in regard to the referendum. The commissioner will announce the results within ten (10) days after the referendum. (1 Ky.R. 150; eff. 12-11-74.)

CERTIFICATION OF ELIGIBILITY TO VOTE IN
KENTUCKY SOYBEAN PRODUCERS'
ASSESSMENT REFERENDUM

I, _____ (print name), hereby certify to the Commissioner, Kentucky Department of Agriculture, that I am a producer of soybeans and share in the proceeds of the sale of such soybeans.

(Signature)

(Address)

Area Code - Telephone No.

(DETACH AND GIVE TO REFERENDUM OFFICIAL)

OFFICIAL BALLOT

KENTUCKY SOYBEAN PRODUCERS'
ASSESSMENT REFERENDUM
JANUARY 22, 1975

Are you in favor of the collection by the Kentucky Soybean Association of an assessment for the purpose of financing a promotional program through research, market development, and education designed to increase production, the use and sale, domestic and foreign, of soybeans and soybean products; said assessment to be deducted from the payments for soybeans delivered after July 1, 1975, in the following amount for a marketing year which is July 1 to June 30 of the following year:

ONE-HALF CENT (1/2¢) PER BUSHEL

YES___ NO___

(FOLD AND PLACE IN BALLOT BOX)
